

HOUSE No. 259

By Mr. Keenan of Salem, petition of John D. Keenan and others for legislation to protect children from toxic toys. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

John D. Keenan	Timothy J. Toomey, Jr.
Edward M. Augustus, Jr.	Steven J. D'Amico
Mark C. Montigny	Stephen Kulik
Steven A. Tolman	Denis E. Guyer
Barbara A. L'Italien	Alice K. Wolf
Douglas W. Petersen	Benjamin Swan
William N. Brownsberger	Anthony J. Verga
Matthew C. Patrick	John P. Fresolo
John W. Scibak	Ruth B. Balser
Michael F. Rush	Paul C. Casey
Louis L. Kafka	Jennifer M. Callahan
James M. Murphy	Denise Provost
Peter V. Kocot	

In the Year Two Thousand and Seven.

AN ACT TO PROTECT CHILDREN FROM TOXIC TOYS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 94B of the General Laws is hereby amended by adding
- 2 the following sections after Section 22.
- 3 Section 23A. Definitions.
- 4 The following words as used in Section 23, unless the context
- 5 otherwise requires shall have the following meanings:—
- 6 “Child care article” means all products designed or intended by
- 7 the manufacturer to facilitate sleep, relaxation, or the feeding of chil-
- 8 dren or to help children with sucking or teething.
- 9 “Toy” means all products designed or intended by the manufac-
- 10 turer to be used by children when the play.
- 11 Section 23B. Bisphenol-A.
- 12 (a) Bisphenol-A, an estrogen-mimicking hormone disrupting
- 13 chemical, is used in the production of epoxy resins and is the main

14 ingredient in hard polycarbonate plastics. The plastics are used in
15 many food and drink packaging applications, and the cans, bottle
16 tops, and water supply pipes.

17 (b) Bisphenol-A is used in many products intended for use by
18 young children, including but not limited to, toys and baby bottles;

19 (c) Commencing January 1, 2008, no person or entity shall man-
20 ufacture, sell or distribute toys or child care items in Massachusetts
21 containing bisphenol-A.

22 Section 23C. Phthalates.

23 (a) Phthalates are chemicals used to plasticize some food con-
24 tainers, plastic wrap, toys, shampoos, perfumes, and beauty prod-
25 ucts.

26 (b) Phthalates have been shown to have hormone disrupting
27 effects; however, they are used in many products intended for use by
28 young children, including, but not limited to, toys, pacifiers, baby
29 bottles and teethers.

30 (c) Commencing January 1, 2008, no person or entity shall man-
31 ufacture, sell, or distribute any toy or child care item in Massachu-
32 sets that contains DEHP, DBP, or BBP in concentrations exceeding
33 0.1 percent.

34 (d) Commencing January 1, 2008, no person or entity shall man-
35 ufacture, sell, or distribute in commerce any toy or child care article
36 intended for use by a child under three years of age if that product
37 can be placed in the child's mouth and contains DINP, DIDP, or
38 DNOP in concentrations exceeding 0.1 percent.

39 Section 23D. Alternatives to Bisphenol-A and Phthalates.

40 (a) Manufacturers shall use the least toxic alternative when
41 replacing bisphenol-A and phthalates in accordance with this
42 chapter.

43 (b) Manufacturers shall not replace bisphenol-A and phthalates,
44 pursuant to this chapter, with carcinogens rated by the United States
45 Environmental Protection Agency as A, B, OR C carcinogens,
46 known to be human carcinogens, likely to be human carcinogens, or
47 suggestive of being human carcinogens, as described in the "List of
48 Chemicals Evaluated for Carcinogenic Potential."

49 (c) Manufacturers shall not replace bisphenol-A and phthalates,
50 pursuant to this chapter, with reproductive toxicants that cause birth
51 defects, reproductive harm, or developmental harm as identified by
52 the United States Environmental Protection Agency.